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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/882,292  
Filing Date: June 15, 2001  
Appellant(s): PUTNAM ET AL.

**MAILED**

DEC 26 2007

**GROUP 3600**

\_\_\_\_\_  
Jeffrey T. Klayman  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed September 21, 2007 appealing from the Office action mailed July 11, 2006.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

USPN 5,592,375	Salmon et al	01-1997
USPN 6,662,194	Joao	12-2003

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 3-6, 8-12, 14, 15, 17, 19, 21, 23, 24, 28-30, 34-38, 40, 42, 43, 45, 47, 49, 51, 53-55, 59, 61, 80-102, 104, 105, 111, 112, 118, and 119 are rejected under 35 U.S.C. 102(b) as being anticipated by Salmon et al (USPN 5,592,375).

As per claim 3, Salmon et al disclose a computerized method of identifying industries for potential transfer of a job function capability with respect to a first industry (i.e., evaluating and comparing products, wherein a buyer is a hiring manager and a seller is candidate, column 3, lines 22-24, 28-30, and 38-41), the method comprising: a. in a first digital computer process, identifying a job function in the first

industry (i.e., a table of functions 270 and a corresponding table of industry experience 260, column 4, line 58-61); b. in a second digital computer process, accessing a database, stored on a digital storage medium, that correlates, for the job function, the first industry with a set of second industries with respect to which the job function capability is potentially transferable (i.e., industry, function, and skill set logically correlated in a database in order to determine an industry match, column 4, lines 50-57); and c. in a third digital computer process, using the database to identify the second industries (i.e., database 200, column 3, lines 49-54).

As per claim 4, Salmon et al disclose identifying an industry into which a job function capability of a subject is potentially transferable, out of the first industry (i.e., matching the seller's function and industry tables to the buyer's profile, including experience and industry, column 5, lines 25-28 and 38-42).

As per claim 5, Salmon et al disclose the database quantifies degree of transferability between the first industry and each industry of the set of second industries (i.e., matching or not matching the buyer's profile that specified that the seller must have production experience in aerospace industry, column 5, lines 39-43). As per claims 6 and 38, Salmon et al disclose the database is associated with a communications network (i.e., network, local or wide area network, figure 1).

As per claims 8 and 43, Salmon et al disclose in a fourth digital computer process, identifying an enterprise, within at least one of the second industries (i.e., marketing and sales experience in the electrical subsystems or semiconductor device industry, column 9, lines 45-49).

As per claim 9, Salmon et al disclose the enterprise potentially has an employment opportunity with respect to an equivalent job function (i.e., position's requirements are not specific to one industry, column 9, lines 48-49).

As per claims 10 and 17, Salmon et al disclose in a fifth digital computer process, providing a user with and communicating a transferability rating for a transfer out of the first industry, into an industry of the set of second industries (i.e., a buyer's profile may give weight to industry, experience, or a combination, column 5, lines 45-46, wherein the seller is given a score based on matching the elements, column 10, lines 34-47).

As per claim 11, Salmon et al disclose in a sixth digital computer process, providing a user with an explanation of degree of transferability out of the first industry, into an industry of the set of second industries (i.e., matching or not matching the buyer's profile that specified that the seller must have production experience in aerospace industry, column 5, lines 39-43).

As per claim 12, Salmon et al disclose in a seventh digital computer process, providing a user with a direct link, over a communications network, to a job posting source (i.e., buyer's interface 500 links to database 200, via a network to post job profile, figure 1).

As per claim 14, Salmon et al disclose the link is keyed to a destination job posting source based on a user's input concerning a job seeker (i.e., buyer's interface 500 uses the buyer profile to retrieve seller's profile from database 200, column 3, lines 38-43).

As per claim 15, Salmon et al disclose receiving input from a user over a communications network, and wherein the step of identifying a job function is performed based on such input (i.e., seller selects function category 412, column 7, lines 11-14).

As per claim 19, Salmon et al disclose communicating an explanation of degree of transferability to the user over a communications network, for a transfer out of the first industry, into an industry of the set of second industries (i.e., matching or not matching the buyer's profile that specified that the seller must have production experience in aerospace industry, column 5, lines 39-43).

As per claims 21 and 51, Salmon et al disclose communicating a list of the second industries to the user over a communications network (i.e., communication of experience in needed industry by the buyer (column 9, lines 44-49) via network, local or wide area network, figure 1).

As per claims 23 and 53, Salmon et al disclose limiting the list according to preferences provided by the user (i.e., weighting of industry, function, and skill by the buyer, column 9, lines 40-45).

As per claims 24 and 55, Salmon et al disclose providing the user with further information on at least one of the second industries over the communications network (i.e., skill set selected by buyer, figure 4h).

As per claims 28 and 59, Salmon et al disclose communicating to the user, over the communications network, a list of at least one enterprise within at least one of the

second industries (i.e., marketing and sales experience in the electrical subsystems or semiconductor device industry, column 9, lines 45-49).

As per claim 29, Salmon et al disclose the at least one enterprise potentially has an employment opportunity with respect to an equivalent job function (i.e., position's requirements are not specific to one industry, column 9, lines 48-49).

As per claims 30 and 61, Salmon et al disclose providing the user with further information on an enterprise from the list of at least one enterprise, over the communications network (i.e., position within the enterprise, figure 4j).

As per claim 34, Salmon et al disclose identifying an industry out of which a job function capability is potentially transferable, into the first industry (i.e., marketing and sales experience in the electrical subsystems or semiconductor device industry, column 9, lines 45-49).

As per claims 35 and 47, Salmon et al disclose in an eighth digital computer process, providing a user with and communicating a transferability rating for a transfer into the first industry, out of an industry of the set of second industries (i.e., a buyer's profile may give weight to industry, experience, or a combination, column 5, lines 45-46, wherein the seller is given a score based on matching the elements, column 10, lines 34-47).

As per claim 36, Salmon et al disclose in a ninth digital computer process, providing a user with an explanation of degree of transferability into the first industry, out of an industry of the set of second industries (i.e., matching or not



matching the buyer's profile that specified that the seller must have production experience in aerospace industry, column 5, lines 39-43).

As per claim 37, Salmon et al disclose the database quantifies degree of transferability between the first industry and each industry of the set of second industries (i.e., matching or not matching the buyer's profile that specified that the seller must have production experience in aerospace industry, column 5, lines 39-43).

As per claim 40, Salmon et al disclose in a tenth digital computer process, providing the user with a direct link, over a communications network, to a resume posting source (i.e., seller's interface 300 links to database 200, via a network to post job profile, figure 1).

As per claim 42, Salmon et al disclose the link is keyed to a destination resume posting source based on a user's input concerning a position to be filled (i.e., buyer's interface 500 uses the buyer profile to retrieve seller's profile from database 200, column 3, lines 38-43).

As per claim 45, Salmon et al disclose receiving input from a user over a communications network, and wherein identifying a job function is performed based on such input (figure 4f).

As per claim 49, Salmon et al disclose communicating an explanation of degree of transferability to the user over a communications network, for a transfer into the first industry, out of an industry of the set of second industries (i.e., matching or not

matching the buyer's profile that specified that the seller must have production experience in aerospace industry, column 5, lines 39-43).

As per claim 54, Salmon et al disclose the preferences include a desired skill set (figure 4h).

As per claim 80, Salmon et al disclose a method of identifying industries for potential transfer of a job function capability with respect to a first industry (i.e., evaluating and comparing products, wherein a buyer is a hiring manager and a seller is candidate, column 3, lines 22-24, 28-30, and 38-41), the method comprising: a. in a first digital computer process, identifying a job function in the first industry (i.e., a table of functions 270 and a corresponding table of industry experience 260, column 4, line 58-61); and b. in a second digital computer process, using a symbolic representation of a job transfer between the first industry and a second industry (industry 402 symbol, figure 4a), of a set of second industries with respect to which the job function capability is potentially transferable, to access a database on a digital storage medium that correlates, for the job function, the first industry with the set of second industries (i.e., industry, function, and skill set logically correlated in a database in order to determine an industry match, column 4, lines 50-57).

As per claim 81, Salmon et al disclose a job function symbol (figure 4e).

As per claim 82, Salmon et al disclose an industry symbol (figure 4c).

As per claim 83, Salmon et al disclose a transfer operator (i.e., product given a weight score, column 10, lines 42-43).

As per claim 84, Salmon et al disclose accessing a transferability rating for a transfer between the first industry and the second industry (i.e., buyer's interface rank-orders sellers according to want weighting 522, figure 5).

As per claim 85, Salmon et al disclose accessing text of an explanation of degree of transferability for a transfer between the first industry and the second industry (i.e., matching or not matching the buyer's profile that specified that the seller must have production experience in aerospace industry, column 5, lines 39-43).

As per claims 86 and 100, Salmon et al disclose using the symbolic representation as an input language for a query to the database (i.e., SQL query, used to retrieve seller's profiles, column 3, lines 41-44).

As per claims 87 and 101, Salmon et al disclose automatically generating the symbolic representation based upon input provided by a user (i.e., buyer's interface 500 presents interactive screen queries based upon input, column 3, lines 38-41).

As per claim 88, Salmon et al disclose a method of identifying industries for potential transfer of a job function capability with respect to a first industry (i.e., evaluating and comparing products, wherein a buyer is a hiring manager and a seller is candidate, column 3, lines 22-24, 28-30, and 38-41), the method comprising: a. in a first digital computer process, identifying a job function in the first industry (i.e., a table of functions 270 and a corresponding table of industry experience 260, column 4, line 58-61); and b. in a second digital computer process, using a symbolic representation that categorizes a subject of a user's job transferability query to access a database (i.e., buyer's interface 500 presents interactive screen queries based upon input,

column 3, lines 38-41); on a digital storage medium, that correlates, for the job function, the first industry with a set of second industries with respect to which the job function capability is potentially transferable (i.e., industry, function, and skill set logically correlated in a database in order to determine an industry match, column 4, lines 50-57).

As per claim 89, Salmon et al disclose the subject is a job seeker (i.e., the candidate/seller, column 3, lines 28-30).

As per claim 90, Salmon et al disclose a job function symbol and an industry symbol (figures 4e and 4c).

As per claim 91, Salmon et al disclose a symbol chosen from the group consisting of: an educational background symbol, a geographical location symbol (i.e., location, figure 4p), a company size symbol, and a hierarchical position symbol.

As per claim 92, Salmon et al disclose the symbolic representation comprises a symbol representing the subject's preferences (i.e., characteristics for selection or exclusion of a seller, column 7, lines 47-51).

As per claim 93, Salmon et al disclose the subject is the target population of an employer's search for potential employees (i.e., a target number of candidates, column 7, lines 55-58).

As per claim 94, Salmon et al disclose a job function symbol and an industry symbol (figures 4e and 4c).

As per claim 95, Salmon et al disclose a symbol chosen from the group consisting of: an educational background symbol, a geographical location symbol (i.e., location, figure 4p), a company size symbol, and a hierarchical position symbol.

As per claim 96, Salmon et al disclose the symbolic representation comprises a symbol representing the subject's preferences (i.e., characteristics for selection or exclusion of a seller, column 7, lines 47-51).

As per claim 97, Salmon et al disclose the subject is represented using symbols representing experience in more than one industry (i.e., figure 4c, wherein the seller may select from the list of industries).

As per claim 98, Salmon et al disclose accessing a row of transferability ratings from a transferability matrix (i.e., database server retrieves database rows for all sellers that meet the must criteria, column 7/8, lines 66-3).

As per claim 99, Salmon et al disclose accessing text of explanations of degree of transferability corresponding to a row of a transferability matrix (i.e., matching or not matching the buyer's profile that specified that the seller must have production experience in aerospace industry in the database 200, column 5, lines 39-43).

As per claim 102, Salmon et al disclose the symbolic representation is also used as an element in symbolically representing a job transfer between the first industry and the second industry (i.e., weighted summary of industry and function transfer, figure 6e).

As per claims 104, 111, and 118, Salmon et al disclose receiving input from a user, over a communications network, related to a job seeker's present job function in the

first industry, whereby the second industries represent recommended industries for the job seeker's job search (i.e., industry, function, and skill set logically correlated in a database in order to determine an industry match, column 4, lines 50-57).

As per claims 105, 112, and 119, Salmon et al disclose receiving input from a user, over a communications network, related to an employer's industry and to a job function of interest to the employer, whereby the second industries represent recommended industries in which the employer may find a population of potential employees (i.e., marketing and sales experience in the electrical subsystems or semiconductor device industry, wherein the position's requirements are not specific to one industry, column 9, lines 45-49).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 13, 16, 18, 20, 22, 25-27, 31-33, 39, 41, 44, 46, 48, 50, 52, 56-58, 60, and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salmon et al (USPN 5,592,375), as applied to independent claim 3, in further view of Joao (USPN 6,662,194).

As per claim 7, 39, Salmon et al does not disclose the database is associated with a web server on the World Wide Web. Joao discloses providing job and recruitment services provided via the Internet and World Wide Web, wherein the processing computers communicate via the Internet and/or World Wide Web (column 13, lines 22-30). Both Salmon et al and Joao are concerned with providing effective job services, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the database being associated with a web server on the World Wide Web in Salmon et al, as seen in Joao, as an efficient means of communicating between the buyers and sellers in Salmon et al, thus making the system more efficient.

As per claim 13, Salmon et al does not disclose the job posting source is a website. Joao discloses the central processing computers having a web site associated therewith (column 13, lines 31-33). Both Salmon et al and Joao are concerned with providing effective job services, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the job posting source is a website in Salmon et al, as seen in Joao, as an efficient means of communicating between the buyers and sellers in Salmon et al, thus making the system more efficient.

As per claim 16, Salmon et al does not disclose the input is received over the Internet. Joao discloses providing job and recruitment services provided via the Internet and World Wide Web, wherein the processing computers communicate via the Internet and/or World Wide Web (column 13, lines 22-30). Both Salmon et al and

Joao are concerned with providing effective job services, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the input is received over the Internet in Salmon et al, as seen in Joao, as an efficient means of communicating between the buyers and sellers in Salmon et al, thus making the system more efficient.

As per claims 18, 20, 22, 32, 46, 48, 50, 52, and 62, Salmon et al does not disclose the list is communicated over the Internet. Joao discloses providing job and recruitment services provided via the Internet and World Wide Web, wherein the processing computers communicate via the Internet and/or World Wide Web (column 13, lines 22-30). Both Salmon et al and Joao are concerned with providing effective job services, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the list is communicated over the Internet in Salmon et al, as seen in Joao, as an efficient means of communicating between the buyers and sellers in Salmon et al, thus making the system more efficient.

As per claims 25 and 56, Salmon et al does not disclose providing the user with contact information for a recruiter, over the communications network. Joao discloses an individual transmitting contact information (column 24, lines 22-27). Both Salmon et al and Joao are concerned with providing effective job services, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include disclose providing the user with contact information, over the communications network in Salmon et al, as seen in Joao, as an efficient means of



communicating between the buyers and sellers in Salmon et al, thus making the system more efficient.

As per claims 26 and 57, Salmon et al does not disclose the recruiter specializes in recruiting for an industry of the set of second industries. Joao discloses the recruiter representing the employer and specific types of positions. Both Salmon et al and Joao are concerned with providing effective job services, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a recruiter specializing in recruiting for an industry of the set of second industries in Salmon et al, as seen in Joao, as an effective means of assisting an individual and/or employer search for a job or employee, respectively (see Joao, column 11, lines 32-40).

As per claims 27 and 58, Salmon et al does not disclose the recruiter specializes in recruiting for the job function. Joao discloses the recruiter representing the employer and specific types of positions. Both Salmon et al and Joao are concerned with providing effective job services, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a recruiter specializing in recruiting for the job function in Salmon et al, as seen in Joao, as an effective means of assisting an individual and/or employer search for a job or employee, respectively (see Joao, column 11, lines 32-40).

As per claims 31, 44, and 60, Salmon et al does not disclose providing the user with information on an employment contact at an enterprise from the list of at least one enterprise, over the communications network. Joao discloses transmitting

employer contact information (column 24, lines 22-27). Both Salmon et al and Joao are concerned with providing effective job services, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include disclose providing the user with contact information, over the communications network in Salmon et al, as seen in Joao, as an efficient means of communicating between the buyers and sellers in Salmon et al, thus making the system more efficient.

As per claim 33, Salmon et al does not disclose the list of at least one enterprise is restricted based upon size of company with which a job seeker has experience. Joao discloses the individual entering the job search, including any search criteria (column 22, lines 42-44), wherein the employer information includes employer size (column 15, line 52). Both Salmon et al and Joao are concerned with providing effective job services, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include list of at least one enterprise is restricted based upon size of company with which a job seeker has experience in Salmon et al, as seen in Joao, thus matching the employee in a more effective manner, thus making the Salmon et al system more flexible.

As per claim 41, Salmon et al does not disclose the resume posting source is a website. Joao discloses the central processing computers having a web site associated therewith (column 13, lines 31-33). Both Salmon et al and Joao are concerned with providing effective job services, therefore it would have been obvious to one having ordinary skill in the art at the time the invention

was made to include the job posting source is a website in Salmon et al, as seen in Joao, as an efficient means of communicating between the buyers and sellers in Salmon et al, thus making the system more efficient.

Claims 106-110, 113-117, and 120-124 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salmon et al (USPN 5,592,375).

As per claims 106, 113, and 120, Salmon et al disclose receiving feedback that allows the buyer to measure the efficiency of the search process, the nature of the sellers being reviewed and statistical reports on the sellers (column 13, lines 19-22). Salmon et al does not explicitly disclose updating the database's correlation of industries based upon feedback information provided by users. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include updating the database's correlation of industries based upon feedback information provided by users in Salmon et al, thus providing a more accurate correlation of industries in Salmon et al, thus improving the efficiency of the search process.

As per claims 107, 114, and 121, Salmon et al disclose using multiple types of heuristics to determine the correlation between a buyer and a seller, including a preference weighting selection engine and a filtering method, column 11, lines 6-10 and 38-44. Salmon et al does not explicitly disclose updating the database's correlation is performed using a preference analysis

technique. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include updating the database's correlation using a preference analysis technique in Salmon et al, thus providing a more accurate correlation of industries in Salmon et al, thus improving the efficiency of the search process.

As per claims 108, 115, and 122, Salmon et al disclose using multiple types of heuristics to determine the correlation between a buyer and a seller, including a preference weighting selection engine and a filtering method, column 11, lines 6-10 and 38-44. Salmon et al does not explicitly disclose updating the database's correlation is performed using collaborative filtering. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include updating the database's correlation using collaborative filtering in Salmon et al, thus providing a more accurate correlation of industries in Salmon et al, thus improving the efficiency of the search process.

As per claims 109, 116, and 123, Salmon et al disclose using multiple types of heuristics to determine the correlation between a buyer and a seller, including a preference weighting selection engine and a filtering method, column 11, lines 6-10 and 38-44. Salmon et al does not explicitly disclose updating the database's correlation is performed using a preference matrix. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include updating the database's correlation using a preference matrix in Salmon et

al, thus providing a more accurate correlation of industries in Salmon et al, thus improving the efficiency of the search process.

As per claims 110, 117, and 124, Salmon et al disclose Salmon et al does not explicitly disclose rows and columns of the preference matrix correspond to rows and columns in an industry transferability data structure (i.e., the information describing candidates may be stored as tables, including table 260 of industry experience, wherein linked rows from the tables are considered as an unit in matching against a buyer's profile, column 4, lines 58-62 and column 5, lines 38-39).

#### **(10) Response to Argument**

In the Appeal Brief, Appellant argues that 1) Salmon et al does not teach or suggest the use of a database to correlate, for a job function, a first industry with a set of second industries with respect to which the job function is potentially transferable.

With respect to Argument 1, the Examiner respectfully disagrees. Salmon discloses industry, function, and skill set logically correlated in a database in order to determine an industry match (column 4, lines 50-57). In addition, Salmon discloses search criteria and conditions specified by the buyer (i.e., hiring manager) including "and" or "or" conjunctions between the criteria, and the ability to specify some criteria as "musts" and others as "wants" (column 9, lines 40-44). Moreover, Salmon discloses the "wants" able to be weighted relative to each other, wherein a buyer (i.e., hiring manager) may want a person with marketing or sales experience in the

electrical or semiconductor industries (column 9, lines 44-56). As such, Salmon indeed discloses correlating for a job function, a first industry with a set of second industries with respect to which the job function capability is potentially transferable.

In addition, Applicant asserts that Salmon et al does not teach or suggest the type of correlations employed in the subject patent application. As such, Applicant mentions that correlations are not necessarily bilateral and that a correlation may be based on an evaluation of the skill set associated with the job function. The Examiner notes that the claim language simply recites "accessing a database...that correlates..." with no mention of how the database correlates the data. As such, the term "correlates," as seen in the claim language, is given its broadest reasonable interpretation. Moreover, although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

#### **11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



Andre Boyce  
December 19, 2007

Conferees:



Vincent Millin, Conferee Specialist

Beth Van Doren, Primary Patent Examiner



Art Unit 3623